

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF TRANSPORTATION

In the Matter of Mathiowetz  
Construction Co. – Training Funds

**PREHEARING ORDER**

A prehearing conference was held on March 28, 2007, at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401. Michael A. Sindt and Patrick Whiting, Assistant Attorneys General, 445 Minnesota Street, Suite 1800, St. Paul, MN 55101-2134, appeared on behalf of the Department of Transportation (Department). Douglas P. Seaton, Alec J. Beck and Sara G. Sidwell, Seaton, Beck and Peters, P.A., 7300 Metro Blvd., Suite 500, Minneapolis, MN 55439, appeared on behalf of Mathiowetz Construction Co. (Mathiowetz). Paul W. Iversen, Williams & Iversen, P.A., 1611 West County Rd. B, Suite 208, Roseville, MN 55113, appeared on behalf of Proposed Intervenor, International Union of Operating Engineers, Local 49 (Union).

IT IS HEREBY ORDERED:

1. The Union shall file its request to intervene by **April 6, 2007**. Mathiowetz shall file its response by **April 16, 2007**. The Department has stated that it takes no position on the Union's request to intervene.
2. Discovery shall be completed by **September 7, 2007**. Any persons expected to be called as expert witnesses shall be disclosed no later than one month prior to the close of the discovery period.
3. By **September 7, 2007**, the parties shall file a statement describing the subject matter of expected expert testimony, the substance of the facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion, any report prepared by the expert for this matter, and a curriculum vitae for the expert.
4. Any dispositive motions shall be served and filed by **September 21, 2007**, and the responding party shall have until **October 5, 2007** to respond.
5. This matter is scheduled for hearing on **December 3, 2007**, commencing at **9:30 a.m.** at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401. The hearing shall continue as needed on December 4 through 7, 2007.

6. The parties shall exchange proposed written exhibits and witness lists, and file an index of exhibits and a copy of the witness list with this office by **November 9, 2007**. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Any party objecting to foundation for any written exhibit shall notify the offering party and judge in writing at least two working days prior to the hearing or the foundation objection is waived.

7. Hearings are ordinarily tape-recorded. In the event that any party requests a court reporter, notice shall be given to the Office of Administrative Hearings no later than **November 26, 2007**. See Minn. R. 1400.7400, subp. 2.

8. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the administrative law judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at [www.oah.state.mn.us](http://www.oah.state.mn.us).

9. The parties have not requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

10. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

Dated this 2nd day of April 2007.

/s/ Beverly Jones Heydinger  
BEVERLY JONES HEYDINGER  
Administrative Law Judge